

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,036

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her food stamps. The issue is whether a recent increase in income earned by a member of the petitioner's food stamp household places the household over the gross income test specified in the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. Until recently the petitioner, her two children, and the children's father received food stamps of over \$200 a month based on the father's earned income. Recently, the father received a raise on his job, which brought his income to \$1,736.53 a month. This placed the family over the gross income limitation of \$1,642.00 for a household of four (see below), and disqualified the family for food stamps. Unfortunately, and seemingly unfairly, the amount of the father's raise that placed the family over the gross income maximum was not sufficient to offset the resultant total loss of the family's food stamps.

ORDER

The Department's decision is affirmed.

REASONS

The regulations provide that "households which do not contain an elderly or disabled member⁽¹⁾ shall meet both the net income eligibility standards and the gross income

eligibility standards for the Food Stamp Program." F.S.M. § 273.9(a). The gross income test requires that the household's countable income before deductions be computed with a gross income amount which is 130 percent of the Federal poverty level for a household of that size. For a four person household, that amount is \$1,642 per month. See Procedures Manual 2590C. If the gross income test is

met, the household's income is then subjected to certain income deductions (standard, earned income, excess medical care, dependent care, shelter and utility deductions) to determine net income. F.S.M. § 273.9(d). That net income figure is computed with a figure that is 100 percent of the Federal poverty level to ultimately determine eligibility and benefit amounts. F.S.M. § 273.9(a).

In this case, the petitioner's household's gross income after the father's raise was less than \$100 more than the maximum gross income standard. As such, however, the household is automatically excluded from further consideration for Food Stamp eligibility. Having "failed" the gross income test, they are not eligible for the deductions that they were previously allowed under the net income test, which rendered them eligible for over \$200 a month in food stamps.

Even though it does not appear that the father's increased wages were enough to offset the loss of this amount of food stamps, it must be concluded that the Department's determination that the household's gross income disqualifies it from Food Stamp eligibility is correct. Therefore, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. The food stamp regulations defined "disabled" persons as only those that are recipients of SSI. See F.S.M. § 273.1. The petitioner indicated that she has applied for SSI and medicaid disability benefits. If she is found eligible, she should promptly reapply for food stamps.